

## **MINUTES OF MEETING**

A meeting of the Chiropractic Physicians' Board of Nevada was held on Friday, September 14, 2007 in Room 4412 of the Grant Sawyer State Office Building, 555 E. Washington, Las Vegas Nevada 89101.

The following Board members were present for the roll call at 9:00 AM:

Stephanie Youngblood, DC, President  
Margaret Colucci, DC, Vice President  
Ian K. Yamane, DC, Secretary  
Paul Jackson, Consumer Member  
Curtis Potts, DC, Member

Dr. Deed Harrison and Consumer Member Richard McCann, J.D., were not present. Also present were Deputy Attorney General Daniel Ebihara, CPBN prosecuting attorney Elizabeth Foley and CPBN Executive Director Cindy Wade. President Dr. Stephanie Youngblood declared that a quorum was present and called the meeting to order.

Dr. Youngblood welcomed the Board's new Consumer Member, Paul Jackson. Mr. Jackson led those present in the Pledge of Allegiance.

### **Agenda Item 1 APPROVAL OF AGENDA**

Dr. Colucci moved that the agenda be approved. Dr. Yamane seconded the motion and it passed unanimously.

### **Agenda Item 2 PUBLIC INTEREST COMMENTS (No Action)**

There were no public interest comments.

### **Agenda Item 3 APPROVAL OF PREVIOUS MINUTES: July 13, 2007**

Dr. Colucci moved for approval of the July 13, 2007 meeting minutes. Dr. Potts seconded and the motion passed unanimously.

Dr. Youngblood announced that several of the agenda items would be addressed out of order to accommodate those present.

**Agenda Item 11 Administrative hearing/granting of continuance/possible settlement agreement in the matter of Stephen B. Shaw, DC, License No. B705, Complaint Nos. 05-9 and 07-12.**

\_\_\_\_\_ Dr. Stephen Shaw and his attorney, John Hunt, were present. Ms. Foley stated that both parties to this matter are agreeable to continuing it until the October 12-13, 2007 meeting. Dr. Colucci made a motion to grant a continuance until October 12-13, 2007. Dr. Yamane seconded and the motion passed unanimously. \_\_\_\_\_

**Agenda Item 12 Administrative hearing/possible settlement agreement in the matter of James Overland, Sr., DC, License No. B527, Complaint No. 05-6.**

\_\_\_\_\_ Dr. James T. Overland, Sr., and his attorney, Valner Johnson, were present. Dr. Youngblood recused herself as investigating Board member and turned the Chair over to Vice President Dr. Margaret Colucci.

Ms. Foley presented a proposed Agreed Settlement of Disciplinary Action in this matter. The terms of the agreement were reviewed. Dr. Yamane moved to accept the settlement agreement as proposed. The motion was seconded by Dr. Potts and passed with all in favor except Dr. Youngblood who recused. Dr. Youngblood resumed the Chair.

**Agenda Item 14 Discussion/possible action regarding request from Drs. Jeffrey Fine and Michael Handelman for early removal of disciplinary action from Board's website.**

\_\_\_\_\_ Drs. Jeffrey Fine and Michael Handelman were present and explained their reasons for requesting removal of their disciplinary actions from the Board's website now rather than in March, 2008 when the five-year posting requirement by Board policy expires. Following discussion, Dr. Yamane moved to deny their request. Mr. Jackson seconded the motion and it passed unanimously.

**Agenda Item 13 Administrative hearing/possible settlement agreement in the matter of Jaime DiOri, DC, License No. B888, Complaint Nos. 04-7 and 04-11.**

Dr. Jaime DiOri and her attorney, Stephanie Cooper, were present. Ms. Foley presented a proposed Agreed Settlement of Disciplinary Action in this matter. The terms of the agreement were reviewed. Dr. Potts moved to accept the settlement agreement as proposed. Dr. Yamane seconded and the motion passed with all in favor except Dr. Colucci who recused because she was the investigating Board member.

**Agenda Item 10 Discussion/possible action regarding determination of conditions and granting of conditional license to Casey D. Robinson, DC, or establishment of hearing date.**

Cindy Wade reviewed the background of Dr. Robinson's application for a Nevada license and the terms of his California Stipulated Settlement and Disciplinary Order. Dr. Robinson passed the CPBN Law Test on August 8, 2007. He has agreed to accept a conditional license under an agreement in which the proposed terms and conditions parallel the California agreement. He has signed the agreement. Dr. Potts moved to approve the proposed Agreement for Conditions for Licensure. Dr. Colucci seconded and the motion passed unanimously. Dr. Yamane moved to grant a conditional license to Dr. Robinson under the terms and conditions of the approved agreement. Dr. Colucci seconded the motion which passed unanimously.

**Agenda Item 4 DISCUSSION/APPROVAL OF BOARD FINANCIAL REPORTS:**

- A. Bank balance as of August 31, 2007**
- B. Income/Expense Report: July 1, 2007 through August 31, 2007**
- C. Accounts Receivable as of August 31, 2007**
- D. Accounts Payable as of August 31, 2007**
- E. Extraordinary Items/Items of Concern**

Dr. Colucci moved for approval of the Board financial reports as presented. Dr. Yamane seconded and the motion passed unanimously.

**Agenda Item 5 DISCUSSION/APPROVAL OF Executive Director reports:**

- A Status of Complaints Received**
- B. Status of Current Probations**
- C. Legal/Investigatory:**
  - 1. Costs assessed since last report**
  - 2. Costs assessed year-to-date**
  - 3. Costs collected since last report**
  - 4. Costs collected year-to-date**

Dr. Potts moved for approval of the Executive Director reports as presented. Dr. Colucci seconded and the motion passed unanimously.

**CONSENT CALENDAR:**

Dr. Colucci moved to approve the items under the Consent Calendar, as follows:

**Agenda Item 6 Granting of Doctor of Chiropractic licenses to those who passed the August 8, 2007 examination.**

**Agenda Item 7 Granting of Chiropractor's Assistant certificates to those who passed the August 24, 2007 examination.**

**Agenda Item 8 Granting of Chiropractor's Assistant for Massage certificates to those who passed the August 24, 2007 examination.**

**Agenda Item 9 Approval of Application for Activation of License No. B990, Arla Markin, DC.**

Dr. Potts seconded and the motion passed unanimously.

**Agenda Item 15 Discussion/possible action regarding request from Dr. Brad Cockman for refund/credit for \$100 reinstatement fee for late renewal.**

Dr. Yamane moved to deny Dr. Cockman's request. Dr. Colucci seconded the motion and it passed unanimously.

**Agenda Item 16 Discussion/possible action regarding requests to be approved as CE sponsor:**

- A. Craig S. Martin, DC, Martin Chiropractic Postgraduate Education Seminars**

Dr. Yamane moved to approve Martin Chiropractic Postgraduate Education Seminars as a CE sponsor. Dr. Colucci seconded and the motion passed unanimously.

**Agenda Item 16 Discussion/possible action regarding requests to be approved as CE sponsor (cont'd):**

**B. Nevada State Bar**

Dr. Colucci moved to approve the Nevada State Bar as a CE sponsor. Dr. Yamane seconded the motion which passed with all in favor except Dr. Potts who recused because of his involvement with a presenter of the seminar.

**Agenda Item 17 Status report/discussion/possible action regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines it has no jurisdiction over the subject or providing direction to pursue the matter further.**

**A. Complaint 02-26**

Dr. Youngblood explained that this is an old complaint in which the investigation is not complete. It has been passed through several investigating Board members and attorneys. At this time there is no existing evidence to justify proceeding with further investigation. Dr. Yamane moved to dismiss the complaint. The motion was seconded by Dr. Colucci and passed unanimously.

**B., C. & D. Complaints 06-25, 07-02 and 07-03**

These complaints involve poor record keeping and inadequate examinations by three licensees at the same practice. They were inherited by Dr. Yamane from a former Board member who had determined the existence of the violations and had advised them to correct the deficiencies. They have sent copies of some of their current records to him for review and they are now up to standard. Dr. Youngblood moved to dismiss Complaints 06-25, 07-02 and 07-03. Dr. Colucci seconded and the motion passed unanimously.

**E. Complaint 07-04**

Dr. Youngblood explained that a former Board member had reviewed a doctor's patient records and found them to be deficient. He found no exam/history, SOAP notes, diagnosis or treatment regimen. The Executive Director was instructed to file a complaint. Investigation revealed that the doctor scans his SOAP notes into his home computer. Although there were difficulties obtaining the records in a timely manner, the records that were eventually obtained did contain the appropriate information. Dr. Yamane moved for dismissal of the complaint with a letter of instruction to the doctor advising that the Board prefers the records be maintained in his office versus his home. Dr. Colucci seconded and the motion passed unanimously.

**F. Complaint 07-13**

This complaint was filed by a nurse working for an insurance company because an incorrect CPT code was used in a doctor's billings. There is no violation of the chiropractic laws and this dispute needs to be resolved between the insurance company and the doctor. Dr. Colucci moved to dismiss Complaint 07-13. Dr. Potts seconded and the motion passed unanimously.

**Agenda Item 18 Discussion/possible action regarding approval of proposed procedure for issuance of subpoenas.**

The proposed procedure was reviewed. Cindy Wade recommended that Paragraph No. 4 be amended to include that the Board's Secretary may also sign subpoenas. Dr. Yamane moved for approval of the proposed procedure as amended. Dr. Colucci seconded and the motion passed unanimously.

**Agenda Item 19 Discussion/possible action regarding development of regulation changes for future Workshop including, but not limited to:**

**A. Scope of Practice Committee status report**

Dr. Yamane reported that the Scope of Practice Committee met the previous evening and continued its ongoing exchange of information with respect to defining the chiropractic scope of practice. Dr. Scott Forbes attended, as well as Board Members Drs. Colucci, Youngblood and Yamane. The next meeting will be held at 7:00 PM on October 11, 2007. The NCA and its Board of Directors will be invited.

**B. Proposed change to NAC 634.385(2)(f)**

Dr. Yamane approved the proposed revision to NAC 634.385(2)(f). The motion was seconded by Dr. Potts and passed unanimously.

**C. Any other changes, additions or deletions**

There were no other proposed changes, additions or deletions.

**Agenda Item 20 Discussion/possible action regarding approval of Western States distance course on minor surgery/proctology for continuing education credit for license renewal.**

It was determined that the topic of this seminar is prohibited for Nevada chiropractors under NRS 634.225. Dr. Colucci moved to deny approval of the seminar. Dr. Youngblood seconded and the motion passed unanimously.

**Agenda Item 21 Discussion/possible action regarding assignment of a Board member to review probation compliance reports.**

Dr. Yamane moved that Dr. Deed Harrison be appointed to review probation compliance reports. Dr. Colucci seconded and the motion passed unanimously.

**Agenda Item 22 Discussion/possible action regarding approval of Cynthia Bazin to conduct CPBN investigations.**

Dr. Yamane reported that Ms. Bazin's references were all very positive about her. He moved that she be contracted for an initial investigation at \$50.00 per hour with the terms of the contract to be worked out by the investigating Board member. Dr. Colucci seconded the motion and it passed unanimously.

**NON-ACTION ITEMS:**

**Agenda Item 23 Reports:**

**A. Attorney**

The attorney's report was postponed until the October meeting.

**B. Investigator**

The investigator's report was postponed until the October meeting.

**C. Committees**

Dr. Colucci set a tentative date of February 8, 2008 for the next CA examinations. In the meantime, the oral X-ray test will be reviewed for possible revision. When the revised statutes are printed the CA and DC law tests will be revised.

**Agenda Item 24 Review of SB310 with respect to statutory changes effective October 1, 2007.**

The provisions of SB310 was reviewed with respect to the changes that affect this Board.

**Agenda Item 25 Review of travel expense allowance changes.**

The revised state travel regulations were reviewed with respect to the changes that will affect this Board.

**Agenda Item 26 Report on FCLB Regional Meeting.**

\_\_\_\_\_ Dr. Colucci reported on the highlights of the recent FCLB Regional Meeting that she and Dr. Yamane attended. The next annual meeting will be held April 30 through May 4, 2008 in Atlanta; the next regional meeting will be at Lake Tahoe the second weekend of October, 2008.

**Agenda Item 27 Correspondence Report.**

\_\_\_\_\_ The Board requested that Cindy convey the Board's thanks and appreciation in response to a letter from Dr. Jacob Fisk regarding statements made by another examinee at the August 8, 2007 examination.

\_\_\_\_\_ Drs. Colucci, Yamane and Youngblood will notify Cindy before September 28 if they will participate in the next NBCE Part IV examination administration. \_\_\_ Mr. Ebihara will consider attending the next FARB Forum on January 25-27, 2008 in Santa Fe, NM.

Cindy will let the CE department at Parker College know that the Board will consider approval of on-line CA training.

**Agenda Item 28 Board Member Comments.**

The November meeting date was changed from November 9 & 10 to November 2 & 3, 2007.

**Agenda Item 29 Public Comment.**

\_\_\_\_\_ There was no public comment.

**Agenda Item 30 Adjournment.**

Dr. Colucci moved that the meeting be adjourned. Dr. Potts seconded and the motion passed unanimously.

Approved: October 12, 2007

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Ian K. Yamane, DC, Secretary